

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION**

**NICHOLAS KNOPICK**

**PLAINTIFF**

**v.**

**CASE NO. 5:15-CV-05073**

**JODI BREEDLOVE  
and MICHAEL BREEDLOVE**

**DEFENDANTS**

**ORDER TO SHOW CAUSE**

On March 17, 2016, the Court entered an Order of dismissal with prejudice (Doc. 54) as to all claims against Marion County, Arkansas, John Doe (as Personal Representative of the Estate of Roger Vickers, former Sheriff of Marion County, Arkansas), Joan Vickers (in her official capacity as Interim Sheriff of Marion County, Arkansas), and Deputy Sheriff George Calderia (Caldarera) (individually and in his official capacity). These claims were dismissed due to the parties' settlement.


The only claim remaining for trial is for conversion, and it is asserted against Defendants Jodi and Michael Breedlove, who are individuals and not state actors. The Court has not identified any basis for federal jurisdiction over the conversion claim other than the supplemental jurisdiction statute, which provides at 28 U.S.C. § 1367(c) that a district court "may decline to exercise supplemental jurisdiction" over state law claims "if . . . the district court has dismissed all claims over which it has original jurisdiction."

The United States Supreme Court has made clear that supplemental jurisdiction "is a doctrine of discretion, not of plaintiff's right, and that district courts can decline to exercise jurisdiction over pendent claims for a number of valid reasons." *City of Chicago v. Int'l Coll.*

*of Surgeons*, 522 U.S. 156, 172 (1997) (internal quotation and citations omitted). The factors that a court should consider when deciding whether to continue to retain jurisdiction over non-federal claims include “principles of economy, convenience, fairness, and comity.” *Id.* at 173.

In light of the above reasoning, the Court hereby **ORDERS Plaintiff TO SHOW CAUSE** as to why this case should not be dismissed without prejudice for lack of federal subject matter jurisdiction. Any response to this Order to Show Cause must be filed by Plaintiff no later than **March 25, 2016**. If a response is filed, Defendants will have an opportunity to file a reply, which will be due no later than **April 1, 2016**.

IT IS SO ORDERED on this 18<sup>th</sup> day of March, 2016.



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TIMOTHY L. BROOKS  
UNITED STATES DISTRICT JUDGE